

Tunisia: Authorities step up crackdown on LGBTI individuals with wave of arrests

Authorities in Tunisia have stepped up their crackdown on LGBTI individuals, carrying out dozens of arrests over recent months, said Amnesty International today.

Between 26 September 2024 and 31 January 2025 at least 84 people in the cities of Tunis, Hammamet, Sousse and El Kef – mainly gay men and trans women – were arrested, arbitrarily detained and unjustly prosecuted solely based on their actual or perceived sexual orientation or gender identity, according to the Tunisian NGO Damj Association for Justice and Equality.

“The recent spike in arrests targeting LGBTI people is an alarming setback for human rights in Tunisia. No one should face arrest, prosecution or imprisonment based on their sexual orientation or gender identity. Instead of harassing individuals based on gender stereotypes and deeply entrenched homophobic attitudes, the Tunisian authorities must immediately and unconditionally release anyone detained because of their actual or perceived sexual orientation or gender identity and introduce safeguards to protect the rights of LGBTI people,” said Diana Eltahawy, Deputy Regional Director for the Middle East and North Africa at Amnesty International.

Amnesty International interviewed four LGBTI rights activists and three lawyers representing individuals arrested between September and December 2024 for their actual or perceived sexual orientation or gender identity. The organization also reviewed legal documents, and official statements.

Wave of arrests

The wave of arrests followed a large-scale online campaign that began on 13 September 2024, which saw homophobic and transphobic hate speech and discriminatory rhetoric against LGBTI activists and organizations spreading across hundreds of social media pages, including those espousing support for the Tunisian President Kais Said. Traditional media outlets also broadcast inflammatory messages by popular TV and radio hosts attacking LGBTI organizations, calling for their dissolution and for the arrests of LGBTI activists.

Saif Ayadi, queer activist and head of programs at Damj, fears that the actual number of LGBTI people arrested and prosecuted is higher than the numbers Damj was able to document. He explained: “Our numbers are based on the direct assistance we provide to members of the community including legal assistance; it is not exhaustive. We estimate the real number to be at least three times higher because when we used to have access to official numbers of prosecutions a few years ago, we found that the on average our documentation only covers at most a third of the people affected.”

Gay men and transgender people in Tunisia are often arrested based on gender stereotypes, behaviour or physical appearance. According to lawyers who represent LGBTI individuals, frequently digital evidence unlawfully seized from their devices after the arrests is used to prosecute them. Most of those arrested, report to their lawyers having their phones confiscated and illegally searched by police officers.

The criminalization of consensual same-sex relations makes LGBTI people vulnerable to violence and abuse by the police, who often exploit their fear of arrest and prosecution and subject them to blackmail, extortion and, at times, sexual abuse. In some cases, those arrested were victims of entrapment and phishing on social media and dating applications by security officers. Some individuals reported to Damj being entrapped by security forces impersonating LGBTI people on social media and same-sex dating applications, to extort and blackmail them including through

threats of outing, doxxing or arrest including for “soliciting prostitution online”. Lawyers have also reported on an increase in police raids without warrants on homes of LGBTI people during 2024.

Abusive prosecutions on “morality” and “indecency” grounds

Those arrested have been detained and prosecuted under Article 230, which criminalizes same-sex relations (for “sodomy and lesbianism”), and/or Articles 226 and 226 bis of the Penal Code, which criminalize “indecency” and acts deemed to be offensive to “public morals”. Article 230 provides for up to three years’ imprisonment and a fine while Articles 226 and 226 bis provide for up to six months’ imprisonment.

“Articles in the penal code that criminalize ‘public indecency’ or acts deemed to be ‘against good morals or public morality’ are particularly dangerous as they are overly broad, vague and do not meet the principle of legality, allowing for a wide scope of interpretation and inconsistency. These overbroad provisions and their subjective and discretionary application allow law enforcement to carry out sweeping arrests of individuals simply for failing to adhere to gender norms or having a non-conforming gender appearance or expression,” said Diana Eltahawy.

On 27 October 2024, the justice ministry issued a statement condemning the increasing use of social media platforms such as TikTok and Instagram to spread content “contrary to public morals”, urging prosecutors to “take necessary judicial measures and launch investigations against anyone producing, displaying or publishing data, images and video clips with content that undermines moral values”. According to Damj, the ministry’s statement sparked a campaign against LGBTI individuals.

A few days after this statement, five content creators, including Khoubaib, who is gender non-conforming, were arrested and charged with “public indecency, dissemination of content contrary to good morals” among other charges. They were convicted and sentenced on 31 October 2024 to prison terms of up to four and a half years. Upon their appeal, on 5 February, the convictions were upheld and four were released after their sentences were reduced. The fifth defendant who is gender non-conforming remains imprisoned as he was sentenced to a two-year prison term and a 1,000 dinar fine under Article 234 of the penal code for “violating morals by inciting minors to debauchery ” over videos that he created and posted on social media.

Forced anal ‘examinations’ amounting to torture

Men accused of engaging in same-sex relations are routinely subjected to forced anal “examinations” by medical doctors. Amnesty International considers forced anal examinations a form of torture. The Tunisian authorities must halt all such examinations immediately.

On 3 December 2024, the El Kef Court of First Instance sentenced two men to one year imprisonment under Article 230. Both were subjected to forced anal examinations to obtain “proof” of same-sex sexual activity.

Targeting to LGBTI activists

LGBTI activists and associations have also faced increasing harassment by authorities. Queer activists Saif Ayadi, Assala Madoukhi and Mira Ben Salah were summoned for questioning several times, most recently in October and November 2024. Police interrogated them about their activism, their work with civil society organizations and their participation in protests. Mira Ben Salah, who is a trans activist and the coordinator of Damj’s office in Sfax, was subject to repeated interrogation in relation to the organization’s work, including with migrants and refugees. Mira is facing multiple charges in connection with her work with Damj and is awaiting the outcome of the investigation.

In July 2023 and February 2024, Mira Ben Salah filed complaints with the Public Prosecutor at the Court of First Instance in Sfax over her repeated **harassment by police**. She told Amnesty international: “I have been summoned and questioned so many times because of my work and my activism but when I filed complaints for harassment, threats and violence that I faced they don’t call

me to testify nor take my complaints seriously.” She added that while the authorities’ investigation against her was progressing swiftly, the investigation into her own complaints has not made any progress.